

ORDINANCE NO. NS-2441

AN ORDINANCE ANNEXING APPROXIMATELY 68.3 ACRES OF LAND IN THE SHEVLIN UGB EXPANSION MASTER PLAN AREA FOR ESTABLISHMENT OF THE TALLINE MASTER PLANNED DEVELOPMENT

Findings

- A. Bend Development Code (BDC) Section 4.9.400.A.3. provides for annexation of real property to the City when 100 percent of the property owners that represent more than half the assessed value of all real property in the contiguous territory proposed to be annexed consent to the annexation.
- B. The City received an application for annexation of the territory shown on Exhibit A and described in Exhibit B (the "Area").
- C. The subject property is owned by one property owner who has filed a statement of consent to this annexation.
- D. There are no registered electors within the territory to be annexed.
- E. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.9.300.A.3., and BDC 4.1.423-4.1.425. On March 31, 2022, notice was mailed by the Planning Division to surrounding owners of record of property within 500 feet of the subject properties, and to the Summit West and Awbrey Butte Neighborhood Association representatives. Notice was also posted in four public places on April 6, 2022, and posted in The Bend Bulletin on March 29th, April 6th and April 13th, 2022. A *Notice of Proposed Development* sign was posted by the applicant along the property frontage visible from the right of way.
- F. The City Council held a public hearing on April 20th, 2022 to enable the public to appear and be heard on the question of annexation.
- G. The Area is contiguous to the City limits on the City of Bend along the west, east and south boundaries of the property.
- H. The property is subject to a Development Agreement with the City for the provision of all public facilities to serve the site as it develops with urban uses (Westside Infrastructure Group DA; PZ18-0696)

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The territory containing approximately 68.3-acres of land as described in Exhibit A and depicted in Exhibit B, is annexed to the City of Bend.
- Section 2. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit C.
- Section 3. On the date the annexation becomes effective, the UA district will cease to apply and the zoning map will automatically be updated with the zoning district that implements the underlying Comprehensive Plan map designations, in

accordance with the Talline Master Planned Development and BDC 4.9.700
Zoning of Annexed Areas.

First reading: April 20, 2022

Second reading and adoption by roll call vote: May 4, 2022

YES: Mayor Pro Tem Gena Goodman-Campbell NO: none
Councilor Barb Campbell
Councilor Melanie Kebler
Councilor Anthony Broadman
Councilor Megan Perkins
Councilor Rita Schenkelberg


Sally Russell, Mayor

ATTEST:


Robyn Christie, City Recorder

Approved as to Form:

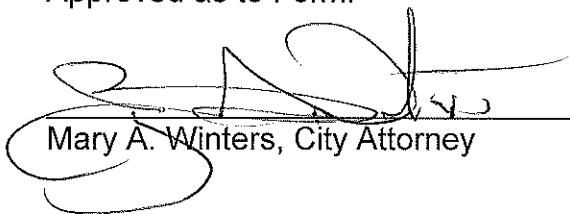

Mary A. Winters, City Attorney

EXHIBIT A



AKS ENGINEERING & FORESTRY, LLC
2777 NW Lolo Drive, Suite 150, Bend, OR 97703
P: (541) 317-8429 | www.aks-eng.com

AKS Job #8549

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

~~EXHIBIT B~~

(Annexation Tax Lot 200 and a portion of Tax Lot 300, Tax Map 17 11 25)

All of the Northwest One-Quarter of the Northwest One-Quarter, and a portion of the Southwest One-Quarter of the Northwest One-Quarter of Section 25, Township 17 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Section 25, thence along the north line of the Northwest One-Quarter of the Northwest One-Quarter of said Section 25, South 89°55'19" East 1,318.20 feet to the West One-Sixteenth corner of Sections 24 and 25; thence along the east line of said Northwest One-Quarter of the Northwest One-Quarter being common with the west Plat boundary line of "Awbrey Glen Homesites, Phase Seven", South 00°12'05" West 1,321.02 feet to the Northwest One-Sixteenth corner of said Section 25; thence along the east line of the Southwest One-Quarter of the Northwest One-Quarter of said Section 25 being common with the west Plat boundary lines of "Awbrey Ridge, Phase II", "Awbrey Ridge, Phase I", and "Valhalla Heights, Phase VII", South 00°08'36" West 1,321.35 feet to the Center West One-Sixteenth corner of said Section 25; thence along the north Plat boundary lines of "Awbrey Court", and "Shevlin Court", South 89°55'07" West 564.99 feet to a point of non-tangent curvature; thence along the Bend City Limits line being the northeasterly line of the annexed land described under Section 2, Parcel 15, of City of Bend Ordinance No. NS-1253, recorded on December 27, 1979 as Volume 313, Page 955, Deschutes County Deed Records, and being 230.00 feet northeasterly of and parallel with the centerline of Shevlin Park Road, for the following four (4) courses, thence on a 1,662.39 foot Radius curve to the left (Radius Point bears South 76°08'55" West), an Arc Distance of 235.97 feet, through a Central Angle of 08°07'58", and a Chord of North 17°55'04" West 235.77 feet; thence North 21°59'43" West 258.28 feet to a point of non-tangent curvature; thence on a 802.96 foot Radius curve to the left (Radius Point bears South 68°05'56" West), an Arc Distance of 488.82 feet, through a Central Angle of 34°52'48", and a Chord of North 39°20'28" West 481.31 feet; thence North 56°49'39" East 327.34 feet to the east Plat boundary line of "Shevlin Estates"; thence along said east Plat boundary line, North 00°04'04" East 306.78 feet to the North One-Sixteenth corner of said Section 25; thence along the west line of said Northwest One-Quarter of the Northwest One-Quarter of Section 25 being common with the Plat boundary lines of "Shevlin Estates" and "Renaissance at Shevlin Park", North 00°07'10" East 1,323.03 feet to the Point of Beginning.

The above described tract of land contains 68.27 acres, more or less.

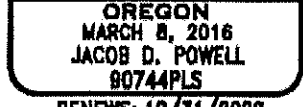
Basis of Bearings

Bearings for this description on based on the Central Oregon Coordinate System as per Deschutes County Survey CS20636, by Jacob D. Powell, filed on October 15, 2021, Deschutes County Surveyor's Office.

12/01/2021



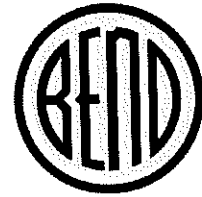
Jacob D. Powell



RENEWS: 12/31/2022

EXHIBIT C

**FINDINGS FOR SHEVLIN
AREA ANNEXATION**



**COMMUNITY
DEVELOPMENT**

PROJECT NUMBER: PLANX20211097

OWNER: Skyline Ranch Northwest, LLC
945 Roberts Drive
Hood River, OR 97031

PRIMARY CONTACT: Joey Shearer
AKS Engineering and Forestry, LLC
2777 NW Lolo Drive, Suite 150
Bend, OR 97703

REQUEST: Annexation of Bend Urban Growth Boundary (UGB) Shevlin Area
Expansion Area (approximately 68.3 acres)

LOCATION: 62660 Skyline Ranch Road - north of intersection of Shevlin Park Road
and Skyline Ranch Road; Tax lots 200 and 300 on Deschutes County
Assessor's Map # 17-12-25-00

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

Criteria

Bend Development Code

Chapter 4.9 Annexations

Bend Comprehensive Plan

Chapter 7, Transportation Systems
Chapter 11, Growth Management

Oregon Administrative Rules

Chapter 660-012-0000, Transportation Planning

Procedures

Bend Development Code

Chapter 4.1 Development Review and Procedures

4.1.400 Type II and Type III Applications

4.1.800 Quasi-Judicial Hearings

FINDINGS OF FACT:

- 1. SITE DESCRIPTION AND LOCATIONS:** The subject area for annexation is comprised of a portion of the Talline Master Plan Area, encompassing approximately 68.3 acres of the 73.5-acre master plan development area. Currently the entirety of the northerly Tax Lot 200 is located outside the City limits, whereas all but approximately 5.2-acres of the southerly Tax Lot 300 is outside of the City limits. The application proposes to annex into the City of Bend all lands not currently within City limits on these identified tax lots.

The subject area has been identified in the Bend Comprehensive Plan as the Shevlin Area (Chapter 11 Growth Management) to be annexed into the City of Bend. The properties are currently developed with a variety of structures in support of a mining operation, which are planned for removal with future development. Topography on the site varies, but generally slopes downhill moving east to west, with significant variation and near-vertical rock walls in certain locations. There is a pronounced ridge running along the southwest portion of the site. Existing vegetation is typical of the west side of Bend and includes coniferous trees of varying heights and maturities. Above-ground and high-voltage overhead transmission lines traverse the subject properties from the southeast diagonally towards the northwest of the site, as well. The site is bounded by the existing NW Shevlin Park Road right-of-way to the southwest. Existing single-family residential subdivisions (zoned RS) abut the site to the east and west, and across Shevlin Park Road to the south. Outside the UGB to the north, Deschutes County has approved a transect development application for a Master Development Plan and Tentative Plan for Skyline Ranch Subdivision in the Westside Transect Zone. The lands abutting the site to the north are not currently platted, but are being reviewed as future phases of this Skyline Ranch subdivision (County subdivision).

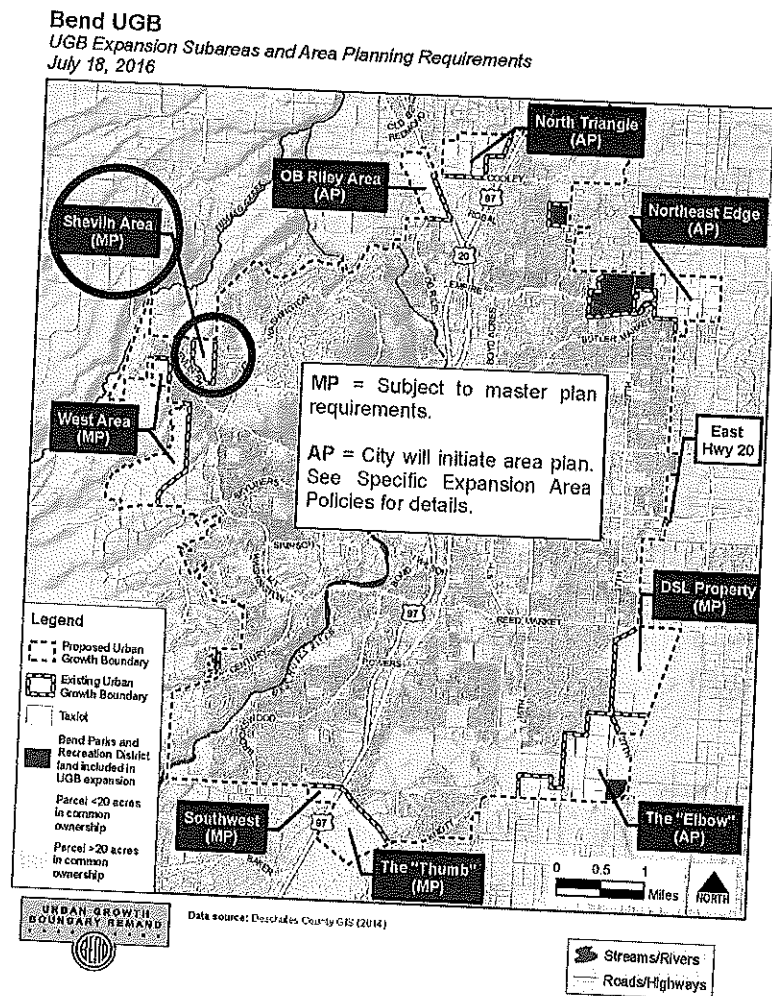
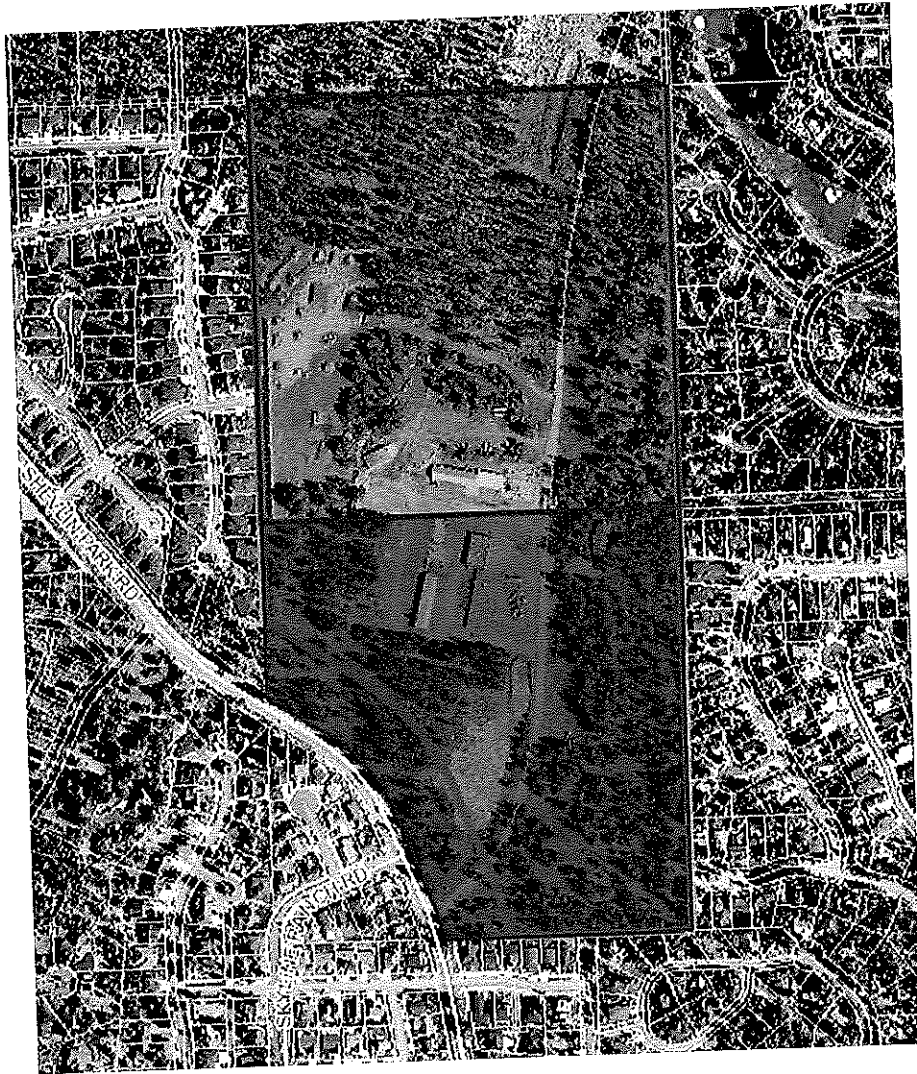
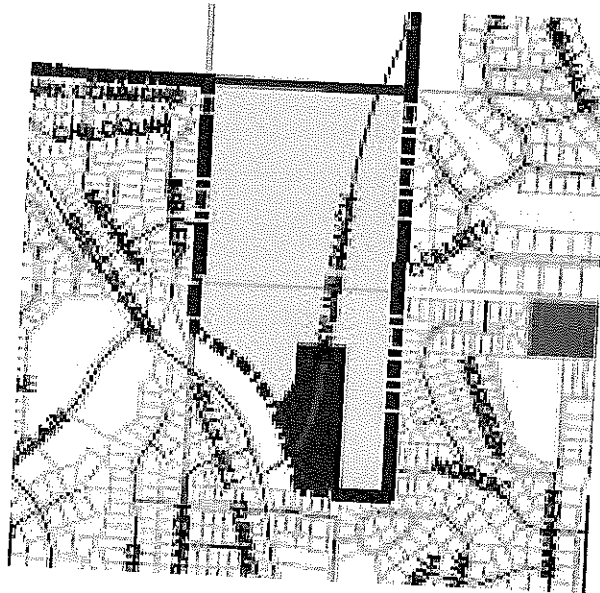


Figure 11-7, Bend Comprehensive Plan, Chapter 11 Growth Management, and project area



**Subject properties*

- ZONING:** The subject properties are within the Urban Growth Boundary (UGB) and are currently zoned Urbanizable Area (UA) and Residential Standard Density (RS, only where already within City limits). The property in the Shevlin UGB Expansion Area is designated Residential Urban Low Density (RL) and Commercial Convenience (CC) on the Bend Comprehensive Plan Map. The Comprehensive Plan specifies that the Shevlin UGB Expansion Area will be developed with 60 gross-acres of residential plan designations, with 8 gross-acres of commercial plan designations (Comprehensive Plan Policy 11-132).



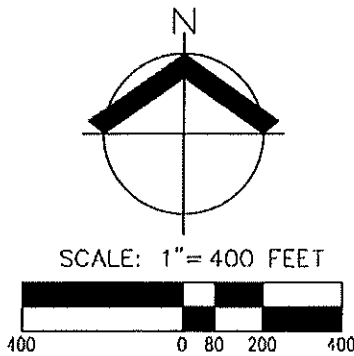
- | | |
|---|--|
| <ul style="list-style-type: none"> CB - Central Business District CC - Commercial Convenience CG - Commercial General CL - Commercial Limited IG - Industrial General IL - Industrial Light IP - Industrial Park ME - Mixed Employment MR - Mixed Riverfront MIN - Mixed Neighborhood MU - Mixed Urban | <ul style="list-style-type: none"> PF - Public Facilities PO - Professional Office PO:RM/RS RF - Residential Urban High Density RL - Residential Urban Low Density RM - Residential Urban Medium Density RS - Residential Urban Standard Density SM - Surface Mining UAR - Urban Area Reserve |
|---|--|

****Comprehensive Plan Map and Subject Area***

3. PROPOSAL: A Type III Quasi-judicial request for Annexation of the UGB Shevlin Master Plan Area for the Talline Master Planned Development.

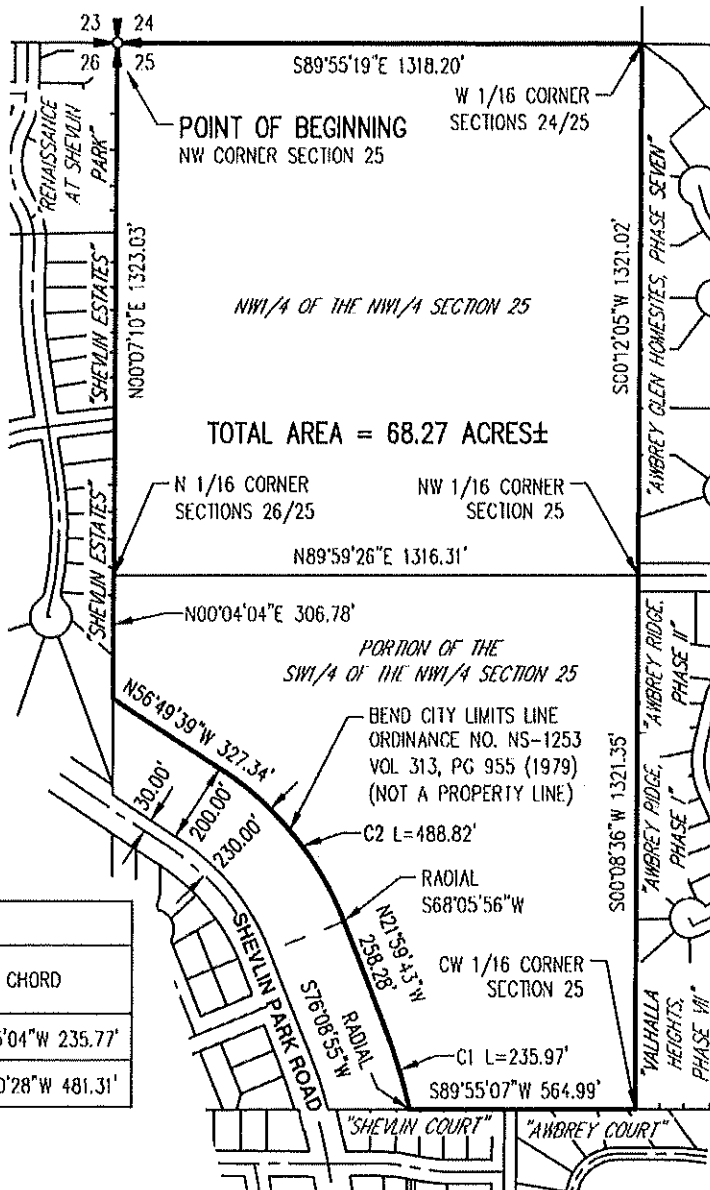
PREPARED FOR
CITY OF BEND
709 NW WALL ST., SUITE 100
BEND, OR 97703

SOURCE OF BEARINGS
BEARINGS FOR THIS MAP ARE BASED ON THE
CENTRAL OREGON COORDINATE SYSTEM AS PER
SCHUTES COUNTY SURVEY CS20636, BY JACOB
POWELL, FILED ON OCTOBER 15, 2021,
SCHUTES COUNTY SURVEYOR'S OFFICE.



CURVE TABLE				
CURVE	RADIUS	CENTRAL ANGLE	LENGTH	CHORD
C1	1662.39'	8°07'58"	235.97'	N17°55'04"W 235.77'
C2	802.96'	34°52'48"	488.82'	N38°20'28"W 481.31'

12/01/2021
REGISTERED



***Submitted Exhibit C, annexation map**

4. **PUBLIC NOTICE AND COMMENTS:** Prior to submittal of this application and related applications, the applicants hosted a public meeting on June 2, 2021 in accordance with BDC 4.1.215. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.9.300.A.3, and BDC 4.1.423-4.1.425. On March 31, 2022, the Planning Division mailed notice to surrounding owners of record of property within 500 feet of the subject properties, and to the Summit West and Awbrey Butte Neighborhood Association representatives. Notice was also posted in four public places on April 6, 2022, and posted in *The Bend Bulletin* on March 29th, April 6th and April 13th, 2022. On March 30, 2022, a *Notice of Proposed Development* sign was posted by the applicant along the property frontage near Shevlin Park Road, visible from the abutting right of way.
5. **APPLICATION ACCEPTANCE DATE:** This Type III Quasi-judicial Annexation petition was submitted on December 1, 2021. The application fee was paid December 8, 2021. The application was deemed complete on January 7, 2022.

APPLICATION OF THE CRITERIA:

**Bend Development Code
Chapter 4.9, Annexations
4.9.200 Applicability.**

Land to be annexed must be contiguous to the existing City limits.

FINDING: The land to be annexed is contiguous to the existing City limits along the entire eastern, western and southern boundary.

4.9.300 Review Processes.

A. Annexation. The following general processes apply to all annexation proposals:

- 1. Annexations are reviewed using the Type III or Type IV process as determined by the City, based on a consideration of the factors for treating an application as quasi-judicial or legislative. Since annexations are a jurisdictional transfer, the City Council is the sole review authority.**
- 2. City Council approval of annexations will be by ordinance.**
- 3. Notice of the City Council hearing to consider the annexation proposal must follow the notification process required for the Type III or Type IV application, except a notice of the hearing must be published in a newspaper of general circulation in the City once each week for two successive weeks prior to the day of hearing, and notices of the hearing must be posted in four public places in the City for a like period.**

FINDING: The proposed annexation is initiated by the property owner for a specific set of properties, and is therefore considered a quasi-judicial application. Notice for the City Council Hearing followed the notification process required for Type III applications, as well the requirements for publishing notice in the newspaper and in four public places as required under BDC4.9.300.A.3.

On March 31, 2022, notice was mailed by the Planning Division to surrounding owners and residents of record of property within 500 feet of the subject properties, and to the Summit West and Awbrey Butte Neighborhood Association representatives. On March 30, 2022, a *Notice of Proposed Development* sign was posted by the applicant along the property frontage near Shevlin Park Road, visible from the abutting right of way. Notice was also posted in four public places on April 6, 2022 and posted in *The Bend Bulletin* on March 29th, April 6th and April 13th, 2022.

B. Area and Master Planning. Unless exempted in subsection (B)(1) of this section, expansion areas as shown in Figure 4.9.300 will require area and/or master plan approval prior to or concurrently with annexation. The exemptions to master planning in BDC Chapter 4.5, Master Planning and Development Alternatives, are not applicable to properties in the Urbanizable Area (UA) District. Development in expansion areas must comply with the applicable Bend Comprehensive Plan Specific Expansion Area Policies in Table 4.9.300.

Table 4.9.300 - Specific Expansion Area Policies

Expansion Area	Bend Comprehensive Plan Specific Expansion Area Policies
Shevlin Area	11-129 through 11-135

FINDING: The subject property is located in the Shevlin expansion area. A major community master plan in accordance with BDC Chapter 4.5 was submitted on December 8, 2021 under PLSPD20211096 to facilitate this annexation concurrently with the master plan review. On March 14, 2022, the Planning Commission made a recommendation to the City Council for approval of the Talline Master Plan. The Talline Master Plan is scheduled to be heard by the City Council concurrently with this annexation request. As addressed in the Planning Commission findings for PLSPD20211096, the Talline Master Plan complies with Bend Comprehensive Plan Policies 11-129 through 11-135.

4.9.400 Initiation Procedures.

A. An annexation proposal for the contiguous territory proposed to be annexed may be initiated by petition in compliance with one of the following initiation procedures:

- 1. All of the owners of land in the contiguous territory proposed to be annexed and not less than 50 percent of the electors, if any, residing in the territory, consent in writing to the annexation of their land in the territory and file a statement of their consent with the City;**

FINDING: The Talline properties are owned by Skyline Ranch Northwest, LLC who has initiated this application and consented in writing to annexation in compliance with the procedures in A.1. There are no residents within the territory proposed to be annexed.

4.9.500 Submittal Requirements.

A. The application must include:

- 1. A completed and signed annexation application packet on forms provided by the City.**
- 2. A petition including the statement of consent, on City forms, completed by property owners and/or electors residing in the territory that meets the requirements of BDC 4.9.400, Initiation Procedures.**
- 3. Legal description of the territory including abutting right-of-way to be annexed and a boundary survey certified by a registered engineer or surveyor.**
- 4. A map showing the territory including abutting right-of-way to be annexed and properties within 300 feet of the territory.**
- 5. A narrative which addresses the approval criteria in BDC 4.9.600 and the requirements of BDC 4.9.300(B).**

FINDING: The application materials uploaded to CityView for PLANX20211097 contain all of the above requirements.

- 6. A letter or other written documentation from the Bend Park and Recreation District which indicates that the applicant has met with the District to discuss the proposed annexation, and provided the District an opportunity to review the annexation area for options to enhance existing parks and trails, and develop new parks and trails.**

FINDING: The Talline major community master plan incorporates approximately 7.4 acres of open space, or 10-percent of the master plan area, in compliance with BDC 4.5.200.E.4. The open space will be public, and a public park is planned in coordination with the Bend Parks and Recreation District (BPRD). *Exhibit G* is a letter from BPRD documenting the coordination between the applicant and BPRD, which has included multiple meetings on site. The applicant and the BPRD have been working collaboratively towards an agreement on the final design,

program, and financing of the planned open space that would allow it to be owned and maintained by BPRD as a public park within the Master Plan. Additionally, the project extends BPRD's "Quail Trail" with an 8 to 10-foot-wide paved multiuse path that also meets City objectives for their expanding network of low stress bikeway facilities currently lacking in the vicinity of the site. This policy requirement is met.

- 7. A completed and signed Bend Park and Recreation District annexation agreement, unless the property(s) to be annexed is already located within the Bend Park and Recreation District.**

FINDING: The subject property is already located within the boundaries of the Bend Park and Recreation District.

- 8. A letter or other written documentation from the Bend-La Pine School District which indicates that the applicant has met with the District to discuss the proposed annexation and provided the District an opportunity to review and comment on the proposed annexation.**

FINDING: Exhibit H is a letter from the Bend-La Pine School District indicating no school facilities are necessary in conjunction with the Talline Master Plan. The requirement is met.

- 9. Territories with irrigation district water rights or other irrigation district facilities must include the following:**

FINDING: The subject property does not include any irrigation district water rights or other irrigation facilities. The subject properties are not located within any irrigation district. This criterion does not apply.

- 10. If the City has not yet amended its public facilities and transportation plans for the affected expansion area, inclusion of an applicant initiated amendment to the relevant plan(s) or other evidence that the necessary infrastructure planning under Statewide Planning Goals 11 and 12 will take place prior to or concurrently with annexation.**

FINDING: The Westside Infrastructure Group Development Agreement (WIG DA) provides for the timing, construction and funding of infrastructure necessary to support urban development in the West and Shevlin UGB Expansion Areas in accordance with the relevant Comprehensive Plan policies for these areas. This DA (*Exhibit L* of the application) was adopted by the City Council in October 2018 and satisfies the necessary infrastructure planning under Statewide Planning Goals 11 and 12.

4.9.600 Approval Criteria.

A. The City Council may approve, or approve with conditions, the proposed annexation application if all of the following criteria are met:

- 1. The annexation proposal is consistent with the Bend Comprehensive Plan policies and plan designations applicable to the territory as determined by the Planning Director or designee.**

FINDING: The proposed annexation is based on the Talline Major Community Master Plan (PLSPD20211096), which addresses and implements BCP Policies 11-129 to 11-135 pertaining to the Shevlin Expansion Area.

2. The annexation proposal is consistent with an approved area plan and/or master plan, unless exempted in BDC 4.9.300(B)(1).

FINDING: The Bend Planning Commission held a public hearing on the master plan on March 14, 2022, and moved to recommend approval of the master plan to the Bend City Council. The Planning Commission findings are attached as an exhibit to the Ordinance for City Council consideration under PLSPD20211096, which is under review concurrent with this annexation request.

3. The proposal demonstrates how the annexed territory is capable of being served by public facilities and services with adequate capacity as determined by the City, including sanitary sewer collection, domestic water, transportation, schools, and parks, consistent with the City's adopted public facility plans, transportation system plan, and applicable district plans, either as provided in an applicable area or master plan or by demonstrating how such public facilities and services will be provided in an orderly, efficient and timely manner.

FINDING: The Westside Infrastructure Group Development Agreement (WIG DA) approved under city file PZ 18-0696 (Ordinance NS-2316, effective November 16, 2018) specifies the timing and extent of sewer, water, and transportation facility improvements necessary to support the uses contemplated in the Bend Comprehensive Plan for the entire West and Shevlin UGB expansion. The WIG DA includes a Transportation Analysis prepared by Kittelson & Associates and findings demonstrating compliance with BDC Chapter 4.7. The findings in support of PZ 18-0696 also conclude that existing sewer and water facilities are currently adequate or will be made adequate with the installation of certain improvements specified in the WIG DA. The provisions of the WIG DA are binding on both the applicant and the City of Bend for a period of 15 years from enactment, to November 16, 2033. Those findings and conclusions adopted in support of Ordinance NS-2316 are incorporated by reference and will be relied upon by both the applicant and the City of Bend to ensure compliance with this criterion.

Comments from the Bend-La Pine School District indicate that no additional school facilities are needed in the vicinity of this master plan area that is being annexed. In coordination with the BPRD, a public park is planned within the 7.4-acres of open space proposed within the Talline Master Plan area.

4. The proposal demonstrates how public facility and service impacts, including as applicable: on- and off-site improvements, construction and modernization of existing infrastructure (water, sewer, stormwater, transportation) to City standards and specifications, and impacts to existing infrastructure inside the City's current city limits, will be adequately mitigated through an annexation agreement or other funding mechanism approved by the City Council prior to annexation. The City will use the standards and criteria of BDC Chapter 4.7, Transportation Analysis, for analysis and mitigation of transportation impacts.

FINDING: Chapter 4.7 was addressed in PZ 18-0696, the WIG DA. Transportation system deficiencies were identified through the combined Traffic Impact Analysis (TIA) prepared for all West and Shevlin UGB expansion area properties based on the maximum development potential identified for each property in the Bend Comprehensive Plan. Specific transportation improvements and mitigation payments were identified and imposed through the terms of the WIG DA. Those findings of compliance with BDC Chapter 4.7 in support of NS-2316 are also incorporated by reference.

5. Owner(s) have committed to transfer all irrigation district water rights from the property, unless exempted in subsection (A)(5)(a)(i) of this section.

FINDING: The properties are not in an irrigation district boundary and do not have any irrigation district water rights or irrigation district conveyance facilities.

6. Sufficient evidence acceptable to the City has been provided demonstrating that the irrigation district had an opportunity to review the layout and design for any impacts on irrigation district conveyance facilities and to recommend reasonable protections for such facilities consistent with the irrigation district's adopted rules and regulations, system improvement plans and/or development policies.

FINDING: The subject property does not include water rights and is not within an irrigation district.

7. The proposal demonstrates that approval of the annexation and zoning districts that implement the underlying Bend Comprehensive Plan map designations is consistent with the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed Comprehensive Plan amendment or annexation, the proposal must be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

660-012-0060 - Plan and Land Use Regulations Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***
- (b) Change standards implementing a functional classification system; or***
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.***

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

FINDING: OAR 660-012 implements Oregon Statewide Planning Goal 12. Goal 12 imposes a requirement on local governments to develop, maintain and update transportation plans consistent with the planning and implementation guidelines of Goal 12. The City's Comprehensive Plan dictates the number of units to be developed on the subject area. However, compliance with the TPR was not addressed at the time of UGB acknowledgement for the expansion areas, instead being deferred to individual master plan/annexation applications, such as this current review.

This section requires a local government to put in place certain measures if an amendment would significantly effect a transportation facility. As documented in the WIG Infrastructure Agreement (Ordinance NS-2316), the WIG applicants made a monetary contribution to the City's off-site 14th Street Corridor Project, and will construct two new roundabouts and extend Skyline Ranch Road in phases to serve the Westside developments, providing new transportation facilities in the City of Bend that will serve vehicular, pedestrian, and bicycle transportation needs, all consistent with the requirements of Goal 12. In the findings in support of the WIG Development Agreement, and in the Agreement itself (Section 5.2), the City Council concluded that these improvements mitigated the impacts of the proposed developments and satisfied the TPR as it relates to city managed facilities.

Similar to the recently approved Treeline Annexation (PZ-20-0062) and Shevlin West/Rio Lobo Annexation (PZ-19-0566), the annexation proposal does not meet ODOT thresholds for further analysis of major off-site intersections for the following reasons:

1) The location of the subject property on Bend's west-side is 2.6 miles (by air) from the US 97 corridor, or approximately 3.9 miles via Shevlin Park Road-Newport Avenue. As such, the first criterion does not apply.

2) In order to meet the second criteria of 50 or more turning movements on a State facility over 50% of the site-generated trips would need to rely on a single US 97 interchange. As trips disperse north and south on NW Shevlin Park Road or continue east towards Mt. Washington Drive, this level of impact could not be reached.

3) Exceeding the third criteria would require that 90% of the site-generated trips would impact a single highway segment. Again, with the dispersion between northbound and southbound travel on NW Shevlin Park Road, and access to Mt. Washington Drive via NW Regency Street, this level of impact would not be reached.

The proposed mitigation as specified above is captured in the WIG Infrastructure Agreement, which will ensure consistency with the provisions of BDC 4.6.600, *Transportation Planning Rule Compliance*, and satisfies the requirements of OAR 660-012-0060.

BDC 4.9.600.A. Approval Criteria (Continued)

- 8. The proposal demonstrates how rights-of-way will be improved to urban standards as determined by the City, including rights-of-way in cherry stem annexations.**

FINDING: The Talline Master Plan proposal (PLSPD20211096) includes specific right-of-way improvements for all future public rights-of-way within the project, including specific off-site improvements (such as the roundabout at NW Shevlin Park Road and NW Skyline Ranch Road) as detailed in the WIG DA. The Private Development Engineering (PDE) Division reviewed the proposed street layout and street improvement cross sections and found them to be generally acceptable as proposed. Final alignment and design of streets will be further refined through subsequent land division applications.

4.9.700 Zoning of Annexed Areas.

The Bend Comprehensive Plan map provides for the future City zoning classifications of all property within the City's Urbanizable Area (UA) District. On the date the annexation becomes effective, the UA District will cease to apply and the zoning map will be automatically updated with the zoning district that implements the underlying Comprehensive Plan map designation.

FINDING: The Talline Major Community Master Plan area will be designated Residential Low Density (RL) and Commercial Convenience (CC), with a Standard Lot Residential Overlay (SLO) over all residentially-designated lands. As stated above, on the date the annexation becomes effective, the UA District will cease to apply and the zoning map will be automatically updated with the zoning district that implements the underlying Comprehensive Plan map designation, in conformance with the layout approved for the Talline Master Plan.